

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

INDIAN LEIDER,

Defendant.

CR-12-59-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 23, 2015. (Doc. 54.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 21, 2015. (Doc. 53.) Leider admitted that he violated Special Condition 3 of his supervised release by consuming alcohol. Leider denied the other allegations in the petition. The admitted violation is serious and warrants revocation of Leider's supervised release.

Judge Johnston recommends that this Court revoke Leider's supervised release. Judge Johnston recommends that the Court sentence Leider to twelve (12) months imprisonment followed by forty-two (42) months of supervised release. (Doc. 54 at 5.)

Leider's criminal history category is III, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The United States Sentencing Guidelines call for 5 (five) to eleven (11) months in custody. Leider could be ordered to remain on supervised release for not less than five years to life, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. Leider's violations of his conditions are a serious breach of the Court's trust. A sentence of twelve (12) months imprisonment with a term of forty-two (42) months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 54) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Indian Leider shall be sentenced to **twelve (12) months imprisonment** followed by **forty-two (42) months of supervised release**.
DATED this 14th day of October, 2015.



Brian Morris
United States District Court Judge